IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATIONS Nos. 5862, 6078,
6346 and 6347 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHREE GANESH CHEMICALS

Versus

GUJARAT POLLUTION CONTROL BOARD

Appearance:
MR MIHIR H JOSHI for Petitioners
MR HARESH J TRIVEDI for Respondent No. 1

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE R.R.TRIPATHI

Date of decision: 12/07/2000

COMMON ORAL JUDGEMENT(Per: M.R.Calla,J)

It is submitted on behalf of the learned counsel for the petitioners that site clearance in all these four

cases had been given before 21.10.99 i.e. the date on which the directions were issued by this Court in Special Civil Application No.4473/99. This factual position is not in dispute. Therefore, it is the common case of the parties that Units in question were not covered by the directions issued by this Court in Special Civil Application No.4473/99. The rejection of the consent and the closure orders were made by the Gujarat Pollution Control Board under the mistaken belief that these units were covered under the directions issued by this court on 21.10.99 whereas the fact is that site clearance had been issued in all these 4 matters prior to 21.10.99 and, therefore, in these cases consent could not be rejected and the closure orders could not be passed. In this view of the matter, the impugned orders passed in all these four Petitions i.e. on 5.2.2000 and 8.2.2000 in Special Civil Application No.5862/2000, on 31.1.2000 and 5.2.2000 in Special Civil Application No.6078/2000, on 29.4.2000 in Special Civil Application No.6346/2000 and on 21.12.99 and 29.2.2000 in Special Civil Application No.6347/2000 are hereby quashed and set aside and the respondent Gujarat Pollution Control Board is directed to re-consider the Applications moved by the petitioners for the purpose of Consent/No Objection Certificate in accordance with law and the Applications for Consent/No Objection Certificate shall not be rejected only on the basis of the directions issued in Special Civil Application No.4473/99, which are admittedly not applicable in the facts of the present cases. It will be open for the petitioners to carry on their industrial activities in accordance with law. All these four Special Civil Applications are allowed in the terms, as aforesaid and Rule is made absolute accordingly in all these matters. In the facts and circumstances of these cases, no order as to costs.

(M.R.Calla,J)

(R.R.Tripathi,J)